

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NATHAN GILLIS,

Plaintiff,

v.

RICK RAEMISCH, *et al.*,

Defendants.

ORDER

09-cv-245-bbc

Plaintiff Nathan Gillis, a prisoner at the Columbia Correctional Institution, is proceeding on claims that (1) defendant Capt. Ashworth violated his right to due process by filing a false conduct report against him; (2) defendants G. Grams and Rick Raemisch violated his right to due process by ignoring his complaints; (3) defendant Lt. Lind violated his right to due process by holding an unfair disciplinary hearing; (4) defendants Grams and Sgt. Morrison subjected him to inhumane conditions of confinement in the DS-1 unit in violation of the Eighth Amendment; and (5) John Doe defendants destroyed plaintiff's religious items in violation of the First Amendment and the Religious Land Use and Institutionalized Persons Act.

Now before the court is plaintiff's motion to have discovery materials photographed. Dkt. #173. He requests that the court order defendants to take photographs of the torn Quran, Gillis's cell in DS-1 unit, the window of the cell and the shower on the unit. There is nothing in the discovery rules that require defendants to take these photographs for plaintiff. Therefore, his motion will be denied. However, plaintiff is free to ask defendant's counsel if they would have take the photographs if plaintiff pays for them. If they will not, then plaintiff will have to do his best to describe these things in words for the court.

In the event that this case makes it to trial before a jury next Spring, the court would be willing to revisit plaintiff's need for photographs (at least of physical plant conditions) for use at trial. But that is not today's issue.

ORDER

IT IS ORDERED that plaintiffs' motion to have discovery materials photographed, dkt. 173, is DENIED.

Entered this 7th day of September, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge